

REMARKS

In the Official Action mailed on **23 June 2005**, the Examiner reviewed claims 1-5, 7-16, 18-27, and 29-33. Claims 12-22 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 1-5, 7-16, 18-27 and 29-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Frey, Jr. et al (USPN 5,201,044, hereinafter “Frey”) in view of Fleming (USPN 6,023,772, hereinafter “Fleming”).

Rejections under 35 U.S.C. §101

Claims 12-22 were rejected because the claimed invention is directed to non-statutory subject matter.

Applicant has amended the specification to remove the non-tangible embodiments of the computer-readable storage medium.

Rejections under 35 U.S.C. §102(b)

Independent claims 1, 12, and 23 were rejected as being unpatentable over Frey in view of Fleming. Applicant respectfully points out that the combined system of Frey and Fleming stores **old and new data images** in a log file in order to **roll back a transaction** in case of a malfunction (see Frey, Abstract).

In contrast, the present invention stores **file system operations** along with information needed to perform the file system operation in a log file in order to **recover the file system operation** in case of a failover (see page 8, lines 23-26, and page 9, lines 10-14 of the instant application). This is beneficial because it allows a much more compact log than the logging system of Frey and Fleming, and it allows for recovering the files system rather than rolling back a transaction..

There is nothing within Frey or Fleming, either separately or in concert, which suggests storing file system operations along with information needed to perform

the file system operation in a log file in order to recover the file system operation in case of a failover.

Accordingly, Applicant has amended independent claims 1, 12, and 23 to clarify that the present invention stores file system operations along with information needed to perform the file system operation in a log file in order to recover the file system operation in case of a failover. These amendments find support on page 8, lines 23-26, and on page 9, lines 10-14 of the instant application .

Hence, Applicant respectfully submits that independent claims 1, 12, and 23 as presently amended are in condition for allowance. Applicant also submits that claims 2-5 and 7-11, which depend upon claim 1, claims 13-16 and 18-22, which depend upon claim 12, and claims 24-27 and 29-33, which depend upon claim 23, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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